



Control Number: 36448



Item Number: 9

Addendum StartPage: 0

DOCKET NO. 36448

APPLICATION OF GTC GLOBAL § PUBLIC UTILITY COMMISSION
TELECOM, INC. FOR DESIGNATION AS §
AN ELIGIBLE TELECOMMUNICATIONS § OF TEXAS
CARRIER AND ELIGIBLE §
TELECOMMUNICATIONS PROVIDER §

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**ORDER NO. 3
NOTICE OF APPROVAL FOR DESIGNATION AS
AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND
ELIGIBLE TELECOMMUNICATIONS PROVIDER**

Procedural History

On November 26, 2008, GTC Global Telecom, Inc. (GTC) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to 47 U.S.C. § 214(e) and P.U.C. SUBST. R. 26.418, as well as designation as an eligible telecommunications provider (ETP) pursuant to PURA¹ § 56.023 and P.U.C. SUBST. R. 26.417. Pursuant to 47 U.S.C. § 214(e), the Commission, either upon its own motion or upon request, shall designate qualifying common carriers as ETCs for service areas set forth by the Commission. GTC is requesting ETP/ETC designation in order to be eligible to receive federal and state universal service funding to assist it in providing universal services in Texas.

GTC seeks ETC/ETP designation in exchanges/wire centers served by Southwestern Bell Telephone Company d/b/a/ AT&T Texas (AT&T Texas) as shown in Attachment C of its application. The Company holds Service Provider Certificate of Operating Authority No. 60788.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on December 12, 2008. The Applicant did not provide a copy of the application to the Office of Public Utility Counsel (OPUC) at the time of filing, but on November 25, 2008, GTC sent a copy of the application to OPUC via UPS Ground. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and

¹ The Public Utility Regulatory Act, TEX. UTIL. CODE ANN. §§ 11.001–66.016 (Vernon 2007 & Supp. 2008) (PURA).

4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.⁶

GTC meets all of the above criteria. GTC will advertise the designated services and their rates through marketing advertisements using media of general distribution. GTC will provide telecommunications services through its Commercial Agreement with AT&T Texas and by obtaining unbundled network loops. GTC will provision switching equipment and local loop distribution facilities to provide supported service using its own facilities. GTC will offer Lifeline Service to qualifying customers in compliance with 47 C.F.R. Part 54, Subpart E and P.U.C. SUBST. R. 26.412. GTC will commit to offer toll blocking in accordance with 47 C.F.R. §§ 54.400 and 54.401.

Staff's analysis of the application concludes that GTC does meet all the requirements established by the FCC for designation as an ETC.

Designation as Eligible Telecommunications Provider

To qualify for ETP status, a carrier must meet the following criteria:

1. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(I) requires carriers applying for ETP status to meet the definition of a telecommunications provider as defined in PURA § 51.002(10). GTC meets this definition.
2. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to U.S.C. §214(e). ETP and ETC designations are being handled concurrently in this consolidated docket.
3. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires carriers to specify the small or rural ILEC service area in which they propose to be an ETP. GTC seeks designation in the entire service area of the non-rural carrier AT&T Texas.
4. P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires applicants for ETP status to show that they offer the designated services defined in P.U.C. SUBST. R. 26.403

⁵ 47 C.F.R. § 54.201.

⁶ 47 C.F.R. § 54.405.

Staff's analysis of the application concludes that GTC meets the requirements established by P.U.C. SUBST. R. 26.417 for designation as an ETP.

Ordering Paragraph

In accordance with Staff's recommendation and for the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, GTC's application for ETC designation is **APPROVED**, as amended, effective January 12, 2009, pursuant to P.U.C. SUBST. R. 26.417, GTC's application for ETP designation is **APPROVED**, as amended, effective January 12, 2009. GTC is granted ETC and ETP status in exchanges/wire centers served by AT&T Texas as outlined in this order.

SIGNED AT AUSTIN, TEXAS on the 12th day of January 2009.

PUBLIC UTILITY COMMISSION OF TEXAS



ANDREW KANG
ADMINISTRATIVE LAW JUDGE